

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Crl.MC.No. 2870 of 2005

CC.386/2005 OF JUDL.MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA

PETITIONER: PETITIONERS/ACCUSED 2

**BENNY ANTONY, ADVOCATE,
S/O.P.J.ANTONY PARAYIL, PARAYIL HOUSE,
RAMAMAGALAM KARA, MUVATTUPUZHA VILLAGE.**

**BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
MUVATTUPUZHA.**

BY PUBLIC PROSECUTOR SRI. NOBLE MATHEW

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

J.B.KOSHY, J.

Criminal M.C.No.2870 OF 2005 ()

Dated this the 4th day of December, 2007

O R D E R

This petition is filed for quashing the proceedings in C.C.No.386/2005 on the file of Judicial First Class Magistrate Court, Muvattupuzha. It is the case of the petitioner that, on 2.6.2005, one person came to the bar and took food and liquor and the bill came to Rs.507/-. But he did not pay the amount. He stated that he was the Health Inspector of Muvattupuzha Municipality. But no evidence like identity card was produced. He was not in uniform. Since the bill remain unpaid and when some of the members of the staff demanded payment of money he abused and shouted them. But later prosecution was launched stating that officer were prevented from their legal duties. A crime was registered under Sections.342, 329 (b), 201 read with Section 34 of IPC. By Annexure A produced along with the petition, Municipality has withdrawn the complaint stating that Municipality officers went there without

any identity card and uniform and everything happened by mistake, and therefore, they are withdrawing from the prosecution. In view of the above circumstances, there is no necessity of proceeding the criminal prosecution. Hence I quash the proceedings in C.C.No.386/2005 on the file of Judicial First Class Magistrate Court, Muvattupuzha and hence and this Criminal M.C. is allowed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.M.C.2870 OF 2005

O R D E R

4th December, 2007